

**NOTICE OF MOTION NO.371 OF 2017
WITH
CHAMBER SUMMONS NO.1364 OF 2018
WITH
CHAMBER SUMMONS NO.1440 OF 2018
IN
EXECUTION APPLICATION NO.240 OF 2011**

Mr. Zal Andhyarujina a/w Mr. Aditya Krishnamurthy and Ms Damayanti Sen I/b Bose and Mitra & Co. for Award Holder
Mr. V. D'Costa a/w Mr. Aagam Doshi and Ms Shweta Rankhambe I/b Mr. Aagam Doshi for Applicant in CHS/1440/2018 (SBI-Intervener)
Mr. Parineet Saratkar I/b SSP Legal for Respondent No.6 in CHS/542/2016 (UCO Bank -Intervener)
Mr. P. S. Patil I/b Lex Juris for Bhatia Global Trading Ltd for Respondent
Ms Monika Tanna a/w Mr. Pratik Ingle I/b Singhania Legal Services for Respondent No.2 in CHS/13/2017. CHS/15/2017 and CHS/76/2017
Mr. Dinyar G. Damania, Manager of Ericsons and Richards Surveyors Pvt. Ltd. Present in court.

**CORAM : K.R.SHRIRAM, J.
DATE : 7th FEBRUARY, 2019**

P.C.:

CHAMBER SUMMONS NO.1440 OF 2018

1 Further to order dated 7th December, 2018, Ericsons and Richards Surveyors Pvt Ltd., have submitted a report dated 31st January, 2019, in a sealed envelope. Mr. Dinyar Damania, Manager, of Ericsons and Richards Surveyors Pvt Ltd., states no copy of this report has been given to anybody and contents thereof has not been disclosed to anybody. The report be kept back in the envelope to be sealed and the seal should not be opened without leave of this court.

2 It has to be mentioned that when the valuation or reserve price is indicated, a cartel is formed to bring down the price and it is difficult to fetch the best price. Parties who are interested in buying the coal may inspect the coal and ascertain the value and make a bid. Counsel also agree that the sale be conducted without disclosing the reserve price for the reasons mentioned above.

3 By consent, Sheriff of Mumbai, is appointed to conduct the sale, and the following order is passed:

(a) Meeting of the concerned advocates and parties for settling the terms and conditions of auction sale by 15th February, 2019.

(b) Issue of public advertisement for auction in the following newspapers

(i) Free Press Journal (English edition) and Navbharat (Hindi edition) having circulation in Mumbai, (ii) Times of India (English edition) having circulation at Ahmedabad, (iii) The Hindu (English edition) and Indian Express (English edition) having circulation at Chennai and (iv) Deccan Chronicle and Sakshi Telugu having circulation at Vishakhapatnam, by 22nd February, 2019.

- (c) Inspection by bidders from 22nd February, 2019 to 1st March, 2019.
- (d) Last date of submission of bids to the Sheriff of Mumbai, alongwith earnest money of Rs.1 crores, by 6th March, 2019.
- (e) Opening of bids and confirmation of offer of the highest bidder by the court on 8th March, 2019, at 3.00 p.m.

4 Applicant, namely, State Bank of India to deposit a sum of Rs.15 lacs with the Deputy Sheriff of Mumbai, within two weeks from today. It is made clear that in case there is a shortfall, the difference will be paid over to the Deputy Sheriff, Mumbai, within one week of receiving communication from the Deputy Sheriff, Mumbai. These amounts being expended by State Bank of India shall be paid out from the sale proceeds as first charge.

CHAMBER SUMMONS NO.1752 OF 2016

1 Mr. Andhyarujina states that the decree has been transferred to Gujarat High Court, Ahmedabad, for execution and, therefore, this chamber summons be also transferred to Gujarat High Court, at Ahmedabad.

2 Chamber summons be transferred accordingly.

JUDGES ORDER NO.190 OF 2016

1 Mr. Andhyarujina States that this judges order is infructuous.
Therefore, the same is disposed accordingly.

CHAMBER SUMMONS NO.1563 OF 2015

1 Mr. Andhyarujina seeks leave to withdraw this chamber
summons.

2 Chamber summons dismissed as withdrawn, keeping open the
rights and contentions of applicant to proceed against the liquidator of ABG
Cement Ltd.

CHAMBER SUMMONS NO.13 OF 2017
WITH
CHAMBER SUMMONS NO.15 OF 2017
WITH
JUDGES ORDER NO.9 OF 2017
WITH
CHAMBER SUMMONS NO.76 OF 2017

1 Stand over to 8th March, 2019, at 3.00 p.m.

JUDGES ORDER NO.120 OF 2017

1 Mr. Andhyarujina seeks leave to withdraw this judges order.
The same is dismissed as withdrawn.

CHAMBER SUMMONS NO.1364 OF 2018

1 Wrongly on board, as Mr. Andhyarujina states, it is already disposed.

CHAMBER SUMMONS NO.1447 OF 2015

1 List the chamber summons on 8th March, 2019, at 3.00 p.m., for recording evidence.

(K.R. SHRIRAM, J.)